



LET NOT THE FAITH,

or the Laws of the Commonwealth,

BE VIOLATED.



AMOUNT OF SCHEMES DRAWN—OR TICKETS SOLD—OR PER CENTAGE DEDUCTED—OR EXPENSES INCURRED—OR THE ACTUAL PROFITS OR PROCEEDS ACCRUING TO THE MANAGERS THEREOF; but that the SUM RECEIVED by them for the privilege of drawing the Lottery, without any reference to the amount of schemes, &c., the AMOUNT RAISED by the Lottery.

They NEVER acted on THIS principle till the 24th of October 1824. From 1811 to that time, the *sum received* by the Company always bore a certain PROPORTION to the amount of schemes drawn. The deduction from the schemes being uniformly 1 per cent., the Company received $2\frac{1}{2}$, 5, or 11 per cent. or some other *per centage*, leaving the remainder for risques, expense manager's profit, &c.

From 1824 to the present time, the Company have received *certain fixed sum*, without any reference to the amount schemes drawn.

Having the TRUST confided to them, of SANCTIONING schemes to be drawn by THEIR OWN ASSIGNEE,—they claim the RIGHT SANCTIONING such schemes to AN INDEFINITE EXTENT; they deny that there is any fixed legal limit to the extent of GAMING which they may AUTHORISE to be carried on.

To say that the amount which they receive is the *sum raised* if it be “*a fair and bona fide consideration*,” is to say nothing to this purpose, in the sense in which they must understand those terms.

For if \$30,000 were “*a fair and bona fide consideration*” for the privilege of drawing schemes amounting to \$1,210,111 in 1828,—and the SAME sum be “*a fair and bona fide consideration*” for the privilege of drawing schemes amounting to \$5,216,240, in 1831, (it not being alleged that the expenses, risques, &c. are more than proportionably increased,)—it is perfectly evident that in their understanding, “*a fair and bona*

fide consideration,” is NOT one which is increased or diminished in proportion to—or which bears any reference to *the amount of gaming which they authorise.*

The company have carried this principle to A FRIGHTFUL PRACTICAL RESULT; especially within the last THREE YEARS.

In the THIRTEEN years from 1812 to '24, inclusive, TWENTY-THREE schemes were drawn, amounting to an aggregate of \$3,697,571, on which the company received \$195,459. In the FOUR years (1825, '26, 27, and '28) THIRTY-SEVEN schemes were drawn, amounting to an aggregate of \$4,856,390, on which the company received \$117,000.

In the THREE years ('29 '30 and '31) SIXTY-SIX schemes were drawn, amounting to an aggregate of \$12,694,870, on which the company received \$93,000.

Upon the principle contended for by the company, or their assignee THE MONEY RAISED on the schemes of \$12,694,870 (*even if all the ticketshad been sold and paid for*) would be LESS THAN ONE-HALF OF THE MONEY RAISED on the schemes of \$3,697,571.

The question is not now whether, in ascertaining the NETT PROCEEDS, a most LIBERAL allowance should be made for expenses, risks, agents, &c.

The amount received by the managers under the 15 per cent., are alleged to be the gross proceeds.

The question *now* is, whether the GROSS PROCEEDS do or do not form a basis for the ascertainment of the NETT PROCEEDS.

If they do, *then* will come the question what deduction ought to be made from the GROSS PROCEEDS in order to ascertain the NETT PROCEEDS.

Has THE STATE a RIGHT to have these questions determined in the ordinary COURTS OF JUSTICE?

The company and the managers allege, that on all, or most of

the above questions, there has been a settled construction in their favor; that committees of the House of Representatives have so reported; that the legislature acquiesced, and that they have the opinions of counsel to the same effect.

So far as these alleged circumstances would bear on the argument, they would be of course entitled to their legitimate weight in producing a JUDICIAL CONSTRUCTION.

It is believed that very undue weight has been attached to slight circumstances thro' the natural and unintentional bias of parties interested.

Before a court and jury, the parties will enjoy the advantage to be derived from the known learning and ability of their counsel.

A bill has been reported in the House of Representatives, providing for abolishing all lotteries on a certain day. The Union Canal Company are authorised to proceed in the Supreme Court, and recover from the State any sum which may be decided by the court and jury to be yet unraised, of the sums which they were authorised to raise. If the whole amount has been already raised, the lotteries since drawn are declared illegal, and the parties concerned to be responsible for their violation of the law.

If the whole amount has been raised, lotteries since drawn are of course illegal,—for they are not authorised, but forbidden by law.

Can the COMPANY complain of such an act?

If they have RAISED the whole sum which they were authorised to raise, *what right have they to go farther?*

If they have not raised the whole sum, the balance is to be PAID them in cash, out of the Treasury;—*what more do they want?*

Can their ASSIGNEE complain justly?

He has by his CONTRACT the right, privilege, and authority, of raising so MUCH of the sums which it is PERMITTED TO THE COMPANY to raise, as may be produced by schemes sanctioned, within

a certain period. By the terms of THE LAW he has but the SAME privilege that the company had.

If *the Company* had no RIGHT OR PRIVILEGE to assign, of course *the assignee* can have none.—

If the Company *had* a privilege to assign, they assigned a privilege of raising *a part* or *the whole* of the sums which *they* were authorised to raise.

Of course, in that case, their assignee will be entitled to receive from the Company the whole or a part, (as the case may be,) of what the Company shall receive from the State.—Can he claim more?—

The whole amount of schemes drawn since 1811, is \$21,248,891, whereof the present assignee of the Company has drawn \$18,180,891. He states that on a fair average not more than one fourth of the tickets are sold.

When the annual amount of Schemes has in 3 years, swelled from less than TWO MILLIONS, to more than FIVE MILLIONS;—when they avowedly far exceed the amount which can be sold,—so that their only *practical limit*, is the extent to which the appetite for GAMING can be stimulated,—When it is notorious that the existence of these Schemes enables the inferior Lottery brokers to sell to [an immense amount, tickets in FOREIGN LOTTERIES;—when the pernicious consequences to Society, are but too PALPABLE;—is it not a SACRED DUTY of the State to its citizens, to ABATE THE NUISANCE, if it be ILLEGALLY maintained?

Can that ILLEGALITY be judicially determined, any where else than in a COURT OF JUSTICE?

Has not the State a right instantly to bring the question of that illegality a to decision, by causing proceedings to be instituted against the Union Canal Company, as in other cases of alleged abuse, misuser, and usurpation by PRIVATE CORPORATIONS?

Will not such a course be absolutely demanded by JUSTICE,

and THE WELFARE OF THE PEOPLE, unless some other less harsh measure be adopted, for IMMEDIATELY putting a stop to the Lottery?

Is the idea to be tolerated, that the parties are to be permitted to persist, for nearly two years more, in proceedings such as those which by their great extent have SIGNALISED the last year?

Was or was not the power of SANCTIONING LOTTERY SCHEMES, [given to the Union Canal Company by the act of 1811,] A PUBLIC TRUST? Was it not one of the obligations imposed by that trust, that the Company should take care that the SCHEMES SANCTIONED, should be REASONABLY calculated, for raising sums NOT EXCEEDING those which were authorised to be raised by this species of GAMING? Have or have not the Company signally VIOLATED THIS TRUST? Are they not at this moment persisting in that violation? Ought they to be permitted to persist further? If they are not called to account for THE PAST, ought THEY to complain of being prevented for THE FUTURE?

The legislature, it is presumed, would not for a moment entertain a proposition for now giving a NEW privilege to the Union Canal Company, of drawing Lottery Schemes to the annual amount of FIVE MILLIONS of dollars, till the end of 1833. If the present conduct of the Company be not authorised by existing laws, and the legislature, notwithstanding, PERMIT it to be continued WITHOUT JUDICIAL ENQUIRY, all the effect of such a NEW GRANT is in fact produced.

As to the injurious effects of Lotteries, they are but too well known. The responsibility rests upon the REPRESENTATIVES OF THE PEOPLE, THE GUARDIANS OF THE HONOUR OF THE STATE, THE PROTECTORS OF THE WELFARE OF HER CITIZENS.

They will doubtless do their duty. The time has not yet come in PENNSYLVANIA, (may it never come!) when PRIVATE CORPORATIONS shall not be liable to VISITATION through the ORDINARY COURTS OF JUSTICE.